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Tickets are Issued  
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Regular line of vessels plying  
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Iron ship TILLIE E. STARK  
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The above Insurance Companies have established a general agency here, and the undersigned general agents, are authorized to take risks against the dangers of the sea at the most favorable rates and on the most favorable terms.

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Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the danger of the sea at the most reasonable rate and on the most favorable terms.

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The Overland Route.

It was the Route in '49!  
It is the Route today, and  
Will be for all time to come.

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"THE OVERLAND LIMITED,"  
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RUNNING EVERY DAY IN THE YEAR  
Only Two Nights between Missouri and  
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## BIRBE HAS LEVANTED

"If you want to write me send your letters to me at the following address:

"H. C. BIRBE, JR.,  
"1428, 17th Ave South,  
"San Francisco, Cal."

This was the message delivered to Jacob Cooper by a waiter at Camara's Cobweb Cafe yesterday morning.

When Mr. Cooper sat down at his accustomed place in the dining room he found a piece of paper torn from the top of a newspaper on which was written the Birbe address as noted above, lying near his plate, and it was in Birbe's well known handwriting. The waiter supplied the information preceding the address.

On Tuesday night Birbe had a talk with Mr. Cooper who at one time employed him in a clerical capacity when Mr. Cooper was promoting the West Hawaii Railway. Mr. Cooper has always been a good friend of Birbe and whenever he came to town from Hawaii on occasional visits, Birbe generally sought him out.

After some preliminary talk Tuesday evening, Birbe told Mr. Cooper that he intended "clearing out of Honolulu and going to the Coast on the Nevada," as Mr. Cooper understood the name of the boat, which was probably the Nebraska, now in port.

At first Birbe told Mr. Cooper that he was tired of Honolulu and intended leaving at once but again he said that he intended going to the Coast to secure a load of hogs for Wagner's Stockyards at Kailua. Wagner, by the way, is said to be Birbe's uncle.

The Nebraska did not leave yesterday for San Francisco via Kahului, her departure being postponed to Friday. But the Alameda left yesterday morning. Birbe was not seen yesterday by Cooper nor was he in his usual haunts.

"I don't know just why Birbe intended leaving, other than what he told me," said Mr. Cooper last evening. "It is my opinion that Birbe has been used as a tool by some people and that he has found that he has been just a tool for others and has got good and tired of it and decided to clear out."

The address he left with me is the address of his folks in San Francisco who are very nice people. Other opinions are that Birbe wanted to avoid the grand jury and the fraud issue in the courts.

## IAUKEA HAS TWO MORE CHANCES YET

(From Thursday's Advertiser.)

Although the official tally as revised and announced in court yesterday still gave Arthur M. Brown a majority of one vote for County Sheriff, Curtis P. Iaukea still has two more chances of filling that office for the next term. Perhaps he has more, for there is no saying what his astute counsel may have up their sleeves, but either one of two chances of his landing in the office is at this juncture quite probable.

One of the chances is a further scrutiny by the Supreme Court of the ballots examined by it in the earlier part of the investigation when large gains were made by Brown. Yesterday afternoon the court as good as promised such a reexamination. Its result may change Brown's majority to a minority.

The other chance is that a new election may be ordered. Iaukea's counsel closed his fight yesterday with a strong argument for a new election, on the ground that Brown, from the showing of the will of the voters, was a beaten man and, as the contestant, had failed to produce a preponderant array of evidence that he was entitled to the office.

Such is the dual situation that existed when the court yesterday afternoon continued the proceedings until 9 o'clock Friday morning.

This is the court declared in court yesterday morning:

	Brown.	Iaukea.
Fourth District.....	1341	1383
Fifth District.....	1344	1301
Totals.....	2685	2684

Some more or less interesting evidence was given yesterday before the court asked for argument on law points. There was strong rebuttal, for one thing, of the fact charges on behalf of Brown that five votes for him were wilfully omitted to be counted in the Fifth Precinct of the Fourth District.

### THE ARGUMENT.

Mr. Kinney, after the conclusion of evidence, proceeded to argue law points. He began with the reserved question on rejection of ballots as a whole upon which more votes for a particular office were marked than candidates to be elected. There was a provision in the Organic Act that no votes of certain classes shall be counted. In the matter of county ballots the only ruling was an oral one in the Fernandez case. It is a vital point in this case, Mr. Kinney represented, where it was the sword that moved down 200 votes for Iaukea. Brown, as a matter of fact and in the eye of the public, is a beaten man. The courts have ruled on the question of a surplus vote as an identifying mark. This court ruled on it under the statute. The general law made a provision that such ballots should be rejected before there was a county election or any county officers.

This law provided that there should be separate ballots for Senators, Representatives and Delegate. It was a common-sense provision. Now the mandate of the law is brought in to apply to an entirely different proposition. As to legislative offices it was a necessary and wholesome provision. Applied to the various county offices it is a misfit and results in a shocking of the public conscience. It was against reason to apply it to the election of the many different officers as Sheriff, Deputy Sheriff, Supervisor at Large, Attorney, Treasurer, Auditor, Clerk and District Supervisors. When its original purpose is carried out it is all right, but when it is applied so as to shock the reason the court is not required to enforce the rule. The County Act does not require it. That measure speaks of the "number" as well as the color of the ballots. Joining these ballots—intended to be separate from the analogy of legislative ballots—on one paper does not alter their legal status as separate ballots.

Mr. Kinney here quoted authorities in support of his views, saying a contrary decision of South Carolina was not contrary with regard to the cross as a distinguishing mark.

Chief Justice Frear said counsel would require to present evidence on this point, as no count was kept of ballots thrown out for that reason.

"There will be no contest if this point is conceded," Mr. Kinney remarked. "However, the ballots themselves are in evidence."

The court had declared that it had no authority to make a recount. It was hearing a contest. He was glad the responsibility was on the court. It was a computation of how many voted for too many men, how many put the cross inside, etc. If a vote was erased so as to leave a distinguishing mark it should be rejected, but when it is rubbed out so that a magnifying glass is required to find the marks of erasure it is a different matter.

If fifty sets of judges of most unimpeachable integrity had to decide such a fine point, the speaker declared if any two sets would hit it off the same.

Brown, it was submitted, must establish his case with a preponderance of evidence. One or five or a dozen votes in such a rigid investigation of the ballots did not make a preponderance of evidence one way or the other. If there was a recount there must be a decision one way or the other on every ballot. It was a question of the court's conviction as a matter of fact. The court must ask itself if there are so close in point of legality that it can not overrule the returns of the inspectors. It is at liberty to say, "We find no preponderance of evidence."

The respondent was entitled to the benefit of the same rule of preponderance of evidence which the court itself applies, and juries are instructed to apply, to civil cases at law.

FURTHER SCRUTINY SUGGESTED.

Mr. Kinney suggested that, since the investigation began, the court had been through a process of education in the counting of these ballots. Its later rulings were modified in some respects in comparison with its earlier rulings. He therefore suggested that the court should go over the ballots of the first two or three precincts examined and scrutinize them in the light of their later rulings.

Justice Hartwell started in his chair at this suggestion and spoke to the Chief Justice, who interrupted Mr. Kinney to say that Justice Hartwell had already suggested the same thing and it was under the court's consideration.

"In counting the first precinct," the Chief Justice said, "we announced that the decisions on certain ballots were of a preliminary nature."

Mr. Kinney spoke of the experience the court had in counting the ballots of the 5th District, saying it would be justice to both sides if the court did not go over the ballots first counted with the same care as it had the last.

## SAVE YOUR SKIN

How to Preserve Purify and Beautify the Skin and Complexion.

To preserve, purify, and beautify the skin, and prevent pimples, blotches, blackheads, redness, roughness, yellow, oily, mothy skin, chapping, and many other forms of skin blemishes, no other skin or complexion soap is for a moment to be compared with CUTICURA SOAP, because no other soap reaches the cause, viz., the clogged, irritated, or inflamed condition of the PORES.

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How to Prevent Falling Hair Scalp Humours and Dandruff.

Cleanse the scalp and hair thoroughly with a warm shampoo of CUTICURA SOAP, rinse with warm water, dry carefully, and apply a light dressing of CUTICURA, purest of emollients, gently rubbed into the scalp. This simple, refreshing, and inexpensive treatment will clear the scalp and hair of crusts, scales, and dandruff, soothe irritated, itching surfaces, stimulate the hair follicles, supply the roots with energy and nourishment, and make the hair grow upon a sweet, wholesome, and healthy scalp, when all else fails.

## SAVE YOUR HANDS

How to Make the Hands Soft and White in a Single Night.

Bathe and soak the hands on retiring in a strong, hot lather of CUTICURA SOAP. Dry thoroughly and anoint freely with CUTICURA Ointment, the great skin cure and purifier of emollients. Wear during the night old, loose kid gloves with the finger ends cut off. For red, rough, chapped hands, dry, fissured, itching, feverish palms, shapeless nails, with painful finger ends, this one night treatment is simply wonderful and a blessing to all afflicted with sore, chapped, rough, or tender hands.

### Cuticura Complete External and Internal Treatment for Every Humour, The Set

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales, and soften the thickened cuticle. CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA Lotion, to cool and cleanse the blood. A 50-cent set is often sufficient to cure the most obstinate cases. Sold throughout the world. And, for the cure of the most obstinate cases, see the CUTICURA Lotion, which will cure all skin diseases, such as Eczema, Scabies, Psoriasis, etc. All about the Skin, Scalp, and Hair, post free.

## ST. ANDREW'S CONGREGATION DISCUSSES BUILDING PLANS

At the meeting of the congregation of St. Andrew's Cathedral held last evening for the purpose of considering the proposed gift of a parish house to the cathedral by the family of the late Theo. H. Davies there was a large and representative gathering. The plans were discussed and a resolution requesting Dean Restarick to express to the donors the thanks of the congregation was unanimously adopted.

The plans of the Parish House in the public prints give an idea of a closer connection with the cathedral building than is really the case. A cloistered architecture prevails which will give a clear view from Emma Square between the cathedral and Parish House.

The roof of the Parish House will be tiled giving an effect new and harmonious. Action on the proposed memorial to Alice Mackintosh resulted in the passage of a resolution instructing the Dean to appoint two additional members of the committee on the memorial who should not be communicants of the church, it being the wish of the congregation that the community-at-large should be asked to take an interest in the memorial to this well known and beloved woman. The committee were authorized to solicit subscriptions and to secure an estimate of the cost of the proposed memorial tower. It is expected to approximate a cost of about \$20,000. It is not thought it will be a hard task to raise this amount as the friends of Mrs. Mackintosh number everyone in the islands.

The committee will proceed immediately to canvass for subscriptions. o'clock. In Brown's corner were Messrs. Gear, Dunne and Douthitt, in Iaukea's Messrs. Kinney, Edings and Lightfoot, and in front Col. J. H. Boyd and Messrs. A. S. Humphreys, Abram Lewis Jr., Geo. A. Davis and S. H. Derby of the bar.

Mr. Kinney said he wanted to offer some proof on the question of the fifth of the 4th, regarding the alleged dropping of Brown's name on five ballots in the count.

W. Lono Austin testified he was the inspector in the 5th of the 4th who read off the ballots when counted. Brock and Ludloff were the others. Held ballots in my hand when reading them, Apakimanawai and his brother, policemen, and John Kaaua, another policeman, were watching me as I read.

Did you of your knowledge omit to read the name of Brown on any ballot?

No, sir. All of the ballots were taken out of the box and I read them. Ludloff kept the tally. To my knowledge no ballots with four supervisors on them were counted. Witness names Sidney Jackson and three others who also kept tally. About twenty persons were present.

Mr. Kinney asked for an admission that Mr. Brock would testify the same as this witness.

Mr. Gear refused, saying Mr. Brock told him a different story. "Yes," in response to a remark by Mr. Kinney, "I do consider the evidence of no significance."

Cross-examined by Mr. Gear, witness said four persons were behind his back while he was reading the ballots. Couldn't say as to all of them all the time, but knew Apakimanawai because he wanted to see every ballot. Two ballots with marks down the middle were counted.

Mr. Kinney reexamined the witness and then called Sheriff Brown.

A. M. Brown had been informed that three policemen were present at the count. They were not there by his direction. He presumed they were loyal to him, as they were employed by him. Jim Kupihue, the policeman in the 8th of the 5th, he presumed was also loyal to him.

Mr. Kinney asked to have the Territorial election bag of the 8th of the 5th opened, which was objected to by Mr. Gear. Asked by the court for his reason Mr. Kinney said he wanted to compare the number of voters tallied with that of the ballots cast as returned by the inspectors.

"Let the bag be opened," the Chief Justice ordered after further argument.

A. T. Brock, chairman, said the book provided by the county was kept by Austin. Witness explained the division of labor with his colleagues. Austin was assisting ignorant voters and his list tallied out but 401, while Ludloff had checked off 402. This latter figure tallied exactly with the ballots in the box.

To the Chief Justice—Henry Lancaster did not vote. Think the discrepancy of one vote due to fact that Board of Registration requested us to add a name.

Over Gear's objection witness described the manner of the count. Austin read off. Ludloff, assisted by Kaupohia, kept the tally. Did not remember any dispute. When now and then a vote was counted ahead by one tallyer

an adjustment was made. At the end

all agreed. He tried to make count as public as possible. Two Hawaiian policemen were watching behind Austin while he was reading. Witness also endeavored to watch Austin, but his check was not perfect because he (witness) was drawing ballots from the box.

To Gear—I can not say that he did not read the names.

To Kinney—So far as I know he omitted no names. I looked at three or four ballots ahead of the count. Do not recollect his reading any ballots on which four inspectors were voted for. One person was keeping tally outside. Other two were given space inside with a table to make it easy for them. Sidney Jackson was keeping a tally; do not think he could see the ballots.

To Justice Wilder—I do not think the rejected ballots were endorsed "rejected," just put them on a string. No record was kept of the rejected ballots.

We did not know how many were rejected. There was no record kept of blank ballots, put them on the voted string, never counted them at all.

Mr. Brock related how he came to talk to Messrs. Kinney and Gear. It was after the Supreme Court had ruled out certain kinds of ballots, and he told counsel on both sides then that he knew a lot of ballots counted by him would be rejected.

Mr. Kinney, in answer to the Chief Justice, said he understood the entire ballot was in evidence. He wished to introduce in evidence the summary of the county vote which appeared in Saturday's Advertiser. It was made up by Mr. Trent and was received by the court.

Mr. Kinney showed from this summary how slightly the votes for other officers than Sheriff were affected by the court's rejection of ballots.

Mr. Trent was called, but not put on the stand.

Then the argument ended as above reported.

### NO OPIUM IN CHAMBERLAIN'S COUGH REMEDY.

There is not the least danger in giving Chamberlain's Cough Remedy to small children as it contains no opium or other harmful drug. It has an established reputation of more than thirty years as the most successful medicine in use for colds, croup and whooping cough. It always cures and is pleasant to take. Children like it. Sold by Benson, Smith & Co., Ltd., agents for Hawaii.

### DIVORCES.

Judge De Bolt granted a divorce to Annie S. Reist against John H. Reist on the ground of desertion for more than three years. Reist was a deputy clerk of the Supreme Court for some time until he left the islands early in the nineties.

Judge De Bolt granted a divorce to Mary Mukaena against David Mukaena on the ground of extreme cruelty.

Judge Lindsay was hearing the Faria divorce case behind closed doors yesterday afternoon.

The bark Andrew Welch will take on sugar ballast during the rest of the week, preparatory to sailing for the Coast on Sunday. She will go out under command of Captain Kelly, who took charge of her on the arrival of the bark from San Francisco.